

REMARKS

The Final Office Action mailed January 3, 2005, has been received and reviewed. Claims 1-25 are currently pending in the application. Claims 1-25 stand rejected. No claims have been amended. Applicants respectfully request reconsideration of the application in light of the arguments presented herein.

Double Patenting Rejections Based on U.S. Patent Nos. 6,416,601 and 6,610,156

Claims 1-25 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,416,601 and over claims 1-4 and 11-15 of U.S. Patent No. 6,610,156.

Applicants note that two terminal disclaimers were submitted with Applicants' response filed on August 9, 2004, which is evidenced by the response itself and by the date-stamped postcard returned by the United States Patent and Trademark Office ("Office"). One of these terminal disclaimers included a disclaimer to U.S. Patent No. 6,416,601, while the second terminal disclaimer included a disclaimer to U.S. Patent No. 6,610,156. However, based on the rejection in the Final Office Action, it appears that the Examiner only received the terminal disclaimer for U.S. Patent No. 6,416,601.

Applicants resubmit herein the terminal disclaimer for U.S. Patent No. 6,610,156. A copy of the date-stamped postcard evidencing receipt of this document by the Office on August 9, 2004, is also enclosed.

Since the Final Office Action indicates that "[t]he terminal disclaimer filed on 8/9/04 has not been approved since it does not include a disclaimer to patent number 6,610,156," a copy of the terminal disclaimer for U.S. Patent No. 6,416,601 is also resubmitted herein for the convenience of the Examiner. Applicants note that separate terminal disclaimers have been filed for U.S. Patent Nos. 6,416,601 and 6,610,156.

BEST AVAILABLE COPY

Applicants also note that two checks for the necessary fees for filing the Terminal Disclaimers were included with the response filed on August 9, 2004, copies of which are enclosed. As such, Applicants believe that no additional fees are required. However, if the Office determines that any additional fees are required, the Commissioner is authorized to charge any such fees to TraskBritt Deposit Account No. 20-1469.

Applicants respectfully submit that since this mistake was a mistake by the Office, Applicants' response filed on August 9, 2004, should be considered responsive and complete. Applicants also respectfully submit that this Communication is intended to be fully responsive to the Final Office Action.

CONCLUSION

Claims 1-25 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, she is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink that reads "Katherine A. Hamer". The signature is written in a cursive style with a large initial "K".

Katherine A. Hamer
Registration No. 47,628
Attorney for Applicant(s)
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: February 4, 2005
KAH/ps:ljb
Document in ProLaw



PTO/SB/26 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
2507-5792.2US
(21777-US-02)

In re Application of: Warner et al.

Application No.: 10/646,419

Filed: August 22, 2003

For: METHOD FOR RECOVERY OF NITRAMINES FROM ALUMINIZED ENERGETIC MATERIALS

The owner*, Alliant Techsystems Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,416,601. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Katherine A. Hamer

Signature

8/6/04

Date

Katherine A. Hamer

Typed or printed name
Reg. No. 47,628

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PTO/SB/26 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
2507-5792.2US
(21777-US-02)

In re Application of: Warner et al.

Application No.: 10/646,419

Filed: August 22, 2003

For: METHOD FOR RECOVERY OF NITRAMINES FROM ALUMINIZED ENERGETIC MATERIALS

The owner*, Alliant Techsystems Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,610,156. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Katherine A. Hamer

Signature

8/6/04

Date

Katherine A. Hamer

Typed or printed name
Reg. No. 47,628

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



THE PATENT & TRADEMARK OFFICE MAILROOM DATE
STAMPED HEREON IS AN ACKNOWLEDGEMENT THAT IN THIS
DATE THE PATENT & TRADEMARK OFFICE RECEIVED:

Transmittal Form (1 page w/duplicate copy); Amendment in response to
office action dated May 14, 2004 (10 pages); Terminal Disclaimer to
Obviate a Double Patenting Rejection Over a Prior Patent (1 page); Check
no. 20623 in the amount of \$110.00; Terminal Disclaimer to Obviate a
Double Patenting Rejection Over a Prior Patent (1 page); Check no. 20624
in the amount of \$110.00

Invention: METHOD FOR RECOVERY OF NITRAMINES
FROM ALUMINIZED ENERGETIC MATERIALS
Applicant(s): K. Warner
Filing Date: August 22, 2003
Serial No.: 10/646,419
Date Sent: August 6, 2004 via first class mail
Docket No.: 2507-5792.2US
KAH/ljb





WARNING THIS DOCUMENT HAS FLUORESCENT FIBERS, A VOID PANTOGRAPH AND A MICROPRINT SIGNATURE LINE

20623

DATE 8/6/2004

110.00

KEY BANK OF UTAH
SALT LAKE CITY, UT
3173/1240

TRASK BRITT, P.C.
PATENT ATTORNEYS / CLIENT COST ACCOUNT
230 SOUTH 500 EAST, SUITE 300
P.O. BOX 2550
SALT LAKE CITY, UT 84102
PHONE 801-532-1922

PAY EXACTLY One Hundred Ten & No/100 Dollars

TO THE ORDER OF

Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

MP

AUTHORIZED SIGNATURE

11020623 1240007371 560136741 0000011000



PATENT AND TRADEMARK OFFICE
13-10-0001
08-09-2004
FOR CREDIT TO THE
U.S. TREASURY

1109 82342
YOUR ENDORSEMENT IN THE ABOVE AREA ONLY
DO NOT SIGN, WRITE OR STAMP BELOW THIS LINE

FOR DEPOSITORY BANK USE ONLY

AG 9 04

SUBSEQUENT COLLECTING BANK USE ONLY

1285 1285 1285 1285
1100001000
MACHINIA IN SVCS PA 40102007 1285
PHILA. PA 40102007 1285

1285 1285 1285 1285
1100001000
MACHINIA IN SVCS PA 40102007 1285
PHILA. PA 40102007 1285



The security features on this document include: fibers, black & blue dyes, brown stain, a void pattern, and a microprint signature line.



WARNING THIS DOCUMENT HAS FLUORESCENT FIBERS, A VOID PANTOGRAPH AND A MICROPRINT SIGNATURE LINE

TRASK BRITT, P.C.
PATENT ATTORNEYS/CLIENT COST ACCOUNT
230 SOUTH 500 EAST, SUITE 300
P.O. BOX 2550
SALT LAKE CITY, UT 84102
PHONE: 801-532-1922

KEY BANK OF UTAH
SALT LAKE CITY, UT
31-73/1240

DATE 8/6/2004

110.00

PAY EXACTLY One Hundred Ten & No/100 Dollars

TO THE ORDER OF


Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

AUTHORIZED SIGNATURE

20624

⑈020624⑈ ⑆124000737⑆ 560013674⑈ ⑈0000011000⑈





The security features on this document are:
black & blue dyes, brown stain, a void
microprint signature line

PROCESSED BY
KPMG LLP 00000004
INVESTIG BANK 03
1310000114
PHILA, PA 08102004 16PK

0010000114
KPMG LLP 00000004
INVESTIG BANK 03
1310000114
PHILA, PA 08102004 16PK

↑ SUBSEQUENT COLLECTION BANK USE ONLY ↓

PATENT AND TRADEMARK OFFICE
13-10-0001
08-09-2004
FOR CREDIT TO THE
U.S. TREASURY
DO NOT SIGN, WRITE OR STAMP BELOW THIS LINE
↑ FOR DEPOSITORY BANK USE ONLY ↓

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.